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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
Plaintiff,
v.
Mark Lewis,
Defendant.

Case No. 2:22-cr-00016-RFB-EJY-1

**Unopposed Motion to Modify
Conditions**

Defendant Mark Lewis, through his attorney Benjamin Nemec, files this motion to modify his supervised release conditions to allow him to reside at a sober living home instead of the halfway house at his own expense. The government does not oppose Mr. Lewis's request. Probation does not take a position on Mr. Lewis's request.

Memorandum of Points and Authorities

I. Introduction

As a condition of supervised release, this Court initially ordered Defendant Mark Lewis to spend 180 days in a residential re-entry center. ECF No. 54, p. 5 ¶ 6. Ordering Mr. Lewis to spend time at a residential re-entry center ensured Mr. Lewis had a place to land so he could continue his robust employment history.

However, Mr. Lewis is in a Catch 22. The residential re-entry center pulled Mr. Lewis's work passes because Mr. Lewis could not provide a check stub but he cannot provide those check stubs until he starts working.

Mr. Lewis is sensitive to the residential re-entry center's rules. Mr. Lewis understands that the residential re-entry center has verification rules to ensure its residents are not abusing the privileges the residential re-entry center provides. Yet, these rules, as applied to Mr. Lewis's situation, hamper his ability to meaningfully reintergrate into society. Thus, Mr. Lewis requests this Court allow him to reside at a sober living home, which will allow him to work, remain sober, and get back on track.

II. Argument

Mr. Lewis pled guilty to one count of unlawful firearm possession on May 23, 2022. ECF No. 29. This Court sentenced Mr. Lewis to twenty months in custody followed by three years of supervised release. ECF Nos. 53, 54. As part of Mr. Lewis's conditions, the Court required Mr. Lewis to reside at a residential re-entry center for 180 days with GPS monitoring and a curfew. ECF No. 54, p. 5, ¶6.

Once released, Mr. Lewis quickly obtained employment:

RSG CONNECT

To Whom It May Concern,

Good afternoon, my name is Robert Barisoff. I am the team lead for Mark Lewis. This letter is to verify that Mark is a Marketing Agent in the Field for Assurance Wireless and Excess Telecom. We give away government devices at various locations around Las Vegas. Mark's current location is Sahara and Paradise and his current schedule is Monday - Saturday 8:30 am until 5 pm.

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Unfortunately, this job is at risk because the residential re-entry center has pulled Mr. Lewis's work pass because he does not have a check stub. Mr. Lewis will not have a check stub until next pay period and cannot work until then. He now risks losing his job because he will miss a number of day at work.

And Mr. Lewis, by obtaining valuable employment, has outgrown what residential re-entry center can offer to his reintegration. While the residential re-entry center has undoubtably given Mr. Lewis valuable breathing space to grow and reintegrate, it now risks stifling that growth. A sober living home is the next logical step in Mr. Lewis's journey.

¹ Undersigned counsel contacted Mr. Barisoff and verified the information within this letter. Mr. Barisoff reported Mr. Lewis was doing a "fantastic job."

III. Conclusion

Mr. Lewis requests this Court modify his supervised release conditions to allow him to reside at a sober living home, specifically Vision House, for the remainder of the 180 days he was originally ordered to reside at a residential re-entry center at his own expense.

DATED: July 17, 2023.

RENE L. VALLADARES
Federal Public Defender

By: /s/ Benjamin F. J. Nemec

BENJAMIN F. J. NEMEC
Assistant Federal Public Defender
Attorney for Mark Lewis

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Order to Modify Conditions of Supervised Release

10 Based on the Motion to Modify Conditions of Supervised Release, and good
11 cause having been shown,

IT IS HEREBY ORDERED that the Motion is GRANTED.

IT IS HEREBY ORDERED that the condition that Mr. Lewis reside at the residential re-entry center for a period of 180 day at the commencement of his supervision be removed.

IT IS HEREBY ORDERED Mr. Lewis reside at a sober living home until at least 180 days elapse from the date when his supervised release commenced at his own expense.

Dated this 18th day of July, 2023.

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DISTRICT COURT JUDGE